

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated October 31, 2008. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1-4 and 8-11 stand for consideration in this application, wherein claims 5-7 and 21-26 are being canceled without prejudice or disclaimer, while claims 1-4 are being amended.

All amendments to the application are fully supported therein, including Fig. 3. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Claim Objections

Claims 1, 21, 23, and 25 were objected for informalities.

Claim 1 is being amended as suggested by the Examiner. Claims 21, 23, and 25 are being canceled, and therefore, the objections to claims 21, 23, and 25 is moot. Accordingly, withdrawal of the objection is respectfully requested.

Prior Art Rejections

35 U.S.C. §102(e) Rejection

Claims 1-4, 8-11, 21, and 23-25 were rejected under 35 U.S.C. §102(b) as being anticipated by Aigner et al.(WO01/46664 A2). As mentioned above, claims 21 and 23-25 are being cancelled, and therefore, the rejection of claims 21 and 23-25 is moot. Applicants respectfully traverse the rejection of claims 1-4 and 8-11 for the reasons set forth below.

According to the M.P.E.P. §2131, a claim is anticipated under 35 U.S.C. §102 (a), (b), and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Claim 1

A device as recited in claim 1 has: 1) a first wafer having a first area and a second area opposed to each other with a first scribe area in-between, wherein a first mechanical

element and a first pad are formed in said first area and a second mechanical element and a second pad are formed in said second area, and 2) a second wafer which seals said first mechanical element and said second mechanical element with a prescribed space over each of said first mechanical element and said second mechanical element formed in said first wafer. Said second wafer is provided with a through-hole having a first side and a second side opposed to said first side, for exposing said first pad and said second pad. Said through-hole is so positioned that said first pad is placed between said first side and said first scribe area and said second pad is placed between said second side and said first scribe area.

The Examiner asserted that a first wafer, a second wafer, a first pad and a second pad recited in claim 1 may read on a base body 1, a covering body 2, an electrical contact 9, and an electrical contact disposed at right of the electrical contact 9 shown in Aigner, respectively. However, Aigner merely shows a cavity 5 between a base body 1 and a covering body 2. (See Figs. 8A and 10A.) The covering body 2 is not provided with any through-hole for exposing the electrical contact 9 and the electrical contact disposed at right of the electrical contact 9. The construction of the device shown in Aigner is clearly different from that of the device as recited in claim 1.

Therefore, Aigner does not show every element recited in claim 1. Accordingly, claim 1 is not anticipated by Aigner.

Claims 2-4, 8-11

As to dependent claims 2-4 and 8-11, the arguments set forth above with respect to independent claim 1 are equally applicable here. The corresponding base claim being allowable, claims 2-4 and 8-11 must also be allowable.

35 U.S.C. §103(a) Rejections

Claim 5 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Aigner in view of Tao et al. (U.S. Pat. No. 6,838,762). Claim 6 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Aigner in view of Kuo et al. (U.S. Pat. No. 6,630,725). Claim 7 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Aigner in view of Ma et al. (U.S. Pub. No. 2003/0183407). Claims 22, 24, and 26 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Aigner.

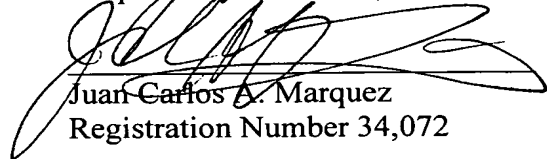
As mentioned above, claims 5-7, 22, 24, and 26 are being canceled, and therefore the rejections against 5-7, 22, 24, and 26 are moot. Accordingly, withdrawal of these rejections is respectfully requested.

Conclusion

In light of the above Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,



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